HON'BLE SRI JUSTICE V.V.S.RAO

WRIT PETITION No.8163 of 2007

Dated:19.04.2007

Between:

V.Laxmi Devi

…Petitioner

and

District Collector and another

…Respondents

HON'BLE SRI JUSTICE V.V.S.RAO

WRIT PETITION No.8163 of 2007

ORDER:

This Writ Petition is filed seeking a writ of Mandamus declaring the action of the second respondent, namely, The Mandal Revenue Officer (MRO), Ongole, in threatening to take over the land admeasuring Acs.2.00 in survey No.17/6 situated at Cheruvukommupalem Village, Ongole Mandal, Prakasam District, without due process of law, as illegal and arbitrary.

It is the case of the petitioner that she acquired right and title to the property admeasuring Acs.2.00 in survey No.17/6 by virtue of a registered settlement deed, bearing document No.1798 of 2006. She raised Eucalyptus plantation on the land. It is alleged that the second respondent started threatening to take over the land without due process of law. Hence, the instant Writ Petition is filed.

As rightly contended by the learned Assistant Government Pleader for Revenue (General-A), the Writ Petition is filed on a mere apprehension. There cannot be any objection that if the private land claimed by the petitioner is required for any public purpose, the respondents have to necessarily follow due process of law by acquiring land under the Land Acquisition Act, 1894. In case, the petitioner is encroacher or is found to be in possession of the land in contravention of the provisions of the Andhra Pradesh Assigned Lands (Prohibition of Transfers) Act, 1977, even then, the respondents have to initiate action either under the provisions of the Andhra Pradesh Land Encroachment Act, 1905, or in accordance with law. This observation would be sufficient redressal for the petitioner.

The Writ Petition, with the above observation, is accordingly

dismissed. No costs.

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(V.V.S.RAO, J)

19.04.2007
GJ